P F-26-98

G. R. S. IX-5]

Previous references.

1897-98
~~191~~ .
(L R)

File No. 79-97

Serial Nos. ~~1-9~~ 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

In ~~Part~~ B for Septr 1898

SUBJECT.

Dispute regarding the Shanbhogi of — Valagarahalli in the Chennarayapatna Taluk

W D 1250—GPB—30,000—23-1-15

Countermarked Indexed

Before the Government of Mysore.

Appeal No. 78 of 1897-98

Appellant. Vs. Res.

Bishop of Mysore
Thimmaiyatandalu

Krishnaiya

Subject:— Dispute regarding the Thimmaiya Vidagerahalli in the Thimmaiyana Satra.

Posted the 5th Sept 1898
Sub 5th Committee
22/8/98

9533

22/8/98

Subd with P. No 2368

(1) 2Rs stamp affixed & Stamp cancelled

(2) Time order appealed against is dy 8.3.98. 2 days time

MK 29.3.98 (3) Petr prays for permission to employ Mr Evers Vasquez his case before Court (vide No 2368)

4) Appeal against Dy Comm's order passed under Sec XXIX of the Kkp Rules & requiring the appellant to give up the surplus Shambhog profits in favour of another kulkarni as the appellant has no other confederate member of the family. The appellant hopes to bring forth some hereafter

(5) Appears to be a Counsel Case The appellant wants to be represented by a lawyer

Put to 2nd Counsellor

MK 2/4/98

RD 7pm
2.4.98.

L2. 7(1)-977-1898

No.

Name of Petitioner Govinda [illegible]

Village Angadi Hobli

Taluk Chennarayapatna

District Hassan

Date of Arzi 19

Date of Receipt 19 · 3 · 98

Date of Disposal

No. of Enclosure One (order appealed against)

ABSTRACT

Appeal against the order dt 8.3.98 of the Dy Comm: Hassan dt. In this order the Dy Comm: stated that in 1858 one Subbaiya, son of Gopanaiya, Shanbhogi "Mulik" (of Arsi & Yelagenahalli Hobli), resigned the Shanbhogee in favour of a cousin Linganniya as he was suffering from Asthma that this latter individual having been suspected of embezzlement of Govt: money resigned the office in favour of his minor son Subbaiya in 1891; that then one Krishnappa, Shanbhogee Mulik's grandson, set up his claim but was asked to file a regular suit; that the Shanbhogee was

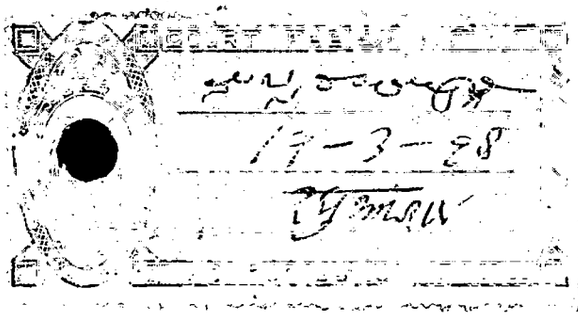
as subsequently divided into
o Firkas; that Subbaraya having
en called upon to nominate another
erson for one of the Firkas, requested
at his Sister's husband might be
ominated; that Krishnappa again
t forward his claim; & that as the
resent officiator had no Sons, and
o Subbaraya's resignation in favour
the present officiator's father could
not deprive the claims of his boy Thayo who had since attained his majority
Son Krishnappa, the latter being
the next best Hakkudar to the
office and directed that the
present officiator should continue
o Shanbhogue of Anathapura and that
Kalagarahalli Firka should be
iven to Krishnappa.

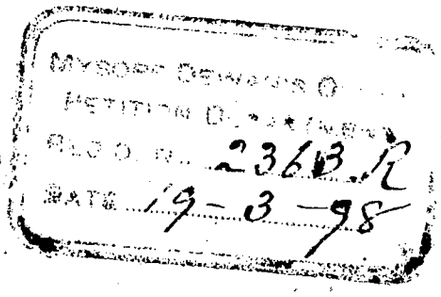
The grounds of appeal are:—

) That the office was being held by pet^{r}
and his father since 1858.
) That although Krishnappa was directed to
stablish his claim in a regular suit, he did not do so
) That pet^{r}'s nomination was not approved of,
the grounds that the nominee did not live in
Kalagarahally, although he was willing to do so
appointed.
) That the pet^{r} was discharging the duties of
the the Firkas satisfactorily since 1891.
) That the pet^{r} is a married young man
and hopes to beget children in future.
) That the Dy Commr was wrong in
making absence of family at present
a ground for depriving pet^{r} of half his right.
That the Dy Commr was wrong in saying
that the respondent had just attained his majority
while he was 24 or 25 years of age.

Prays that the Dy Commr's order may be
stayed pending the disposal of this appeal; that
Dy Commrs order may be set aside; that pet^{r} may
continued allowed to continue at Thayabhogue of both the Firkas
that his nominee might be appointed for one of the Firkas.

2363





In the Privy Council

In the matter of application of the Dharmaraja ear of Somapira being appointed a Shambhogam of Kolanda Kelly Taluk Arali Hobli Channarayapatna Taluq. Hassan District.

Revenue Appeal No: 78 of 97-98.

Appellant
Soobaya ear of Linjappaiya

Respondent
Dharmaraja ear of Somapira residing at Arali.

The Appellant respectfully begs to appeal to the Dewan in Council against the order of the Deputy Commissioner of Hassan District No. dated 5th August 1898, for the following reasons:—

The Petitioner and his Father Linjappaiya have held the office of Shambogue of Arali Hobli for the last 40 years, said to from 1858.

2. Linjappaiya resigned his office in favor of his son the Appellant

in 1891.

3. In the year the Land Court was divided into two districts of which one was confined to Inverness, and in the year 1897 when he resigned office in favour of Appellant the Respondent put forward a claim and prayed that he might be appointed, but the Secretary for Scotland the Hon. Sydney Buxton declined to accept the application and refused — Respondent's case is that Appellant has a claim if he had any; his case is still in force but no writ has been filed.

4. In September 1897 Appellant was informed by the Auditor that the matter was referred from the Deputy Commissioner directing him (Appellant) to nominate some other person to act after 1st August 1898 and in December 1897 Appellant proposed one Venkatramiah a Brahmin to act after the writ ran. The Auditor rejected the matter & the Deputy Commissioner but did not approve of Venkatramiah on the ground that the nominee did not live in Kolegal but although he was willing to do so if appointed.

5. The Respondent again put forward a claim and solicitors

V

that

that he has failed to establish his right by which he has been aggrieved & voluntarily & Appellant's injuries.

Appellant did his duty looked after the whole thing when after it was decided with to give him 80/- to and pays but he may be allowed to continue & do so if his counsel be furnished but his nominee who is quite ready and willing & has at this gathering shall be appointed, Appellant is a young man 23 years of age and his wife has no security against maginity and will in case of time it is hoped get a family. The Deputy Commissioner should not have made absence of family as the reason time is given for refusing him after his right employ within different for 40 years.

7. The Deputy Commissioner is wrong in saying that the Regiment has not defined his maginity. He is 24 or 25 years of age.

8. Appellant prays that the

order

order of the Deputy Commissioner appointing the Respondent to Collegarship may be enforced pending disposal of this appeal. Applicant is informed that the Subordinate has received order to take charge of the same and give over to Krishnappa

In the above circumstances, Appellant prays that the order of the Deputy Commissioner may be stayed.

Bangalore
19-3-98.

Pet 1315 (3) 13

21-4-9

MYSORE DEWAN'S OFFICE

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition
No. 2363 dated 19-3-98
received at the Dewan's Office from
Subraya Sowa Linyappa
of that village in the
Narayapete Taluk app
-ing against the order
passed by
Shanbhogs of Valagerahal
Pike

is forwarded, together with its
enclosures, to the Deputy Commissioner
of the Hassan District
for submission
connected with
full report of the facts of the case, and on
the points urged in the petition.

petition with its enclosure
should be returned

By order,

Secretary

BANGALORE,
April 1898

Lr 19-97

(4) Gen. Serial No. 30.]

1897

REVENUE DEPARTMENT
Gl. No. 3111
MAY 7 1898
No. 6614
DEWAN'S OFFICE

From

The Deputy Commissioner
Hassan District

To

The Chief Secretary to the
Government of Mysore.
General and Revenue Departments
Bangalore.

Dated 5
Despatched } May 1898.
Received

Enclosures No. Petn & Rp.

General No. 1111.
No.

In reply to No. 1315 dy 21st April 1898.

SUBJECT.

Submitting report on the petition from Subbanna of Lingapura of Channarayapatna Taluk, appealing against the order of the Dy Comr regarding the office of Shanbogue of the Talaya pirathi Ferik

References—(to be entered only in the Dewan's Office).

Rd 7-5-98

Rd 9/5 Refs put up
AK 9/5/98
Subd 10/5/98 MG

Subd to 2nd Comalln
with a note attached
Petr No 2363
MG 19/5/98

RD 7 Rn.
20.5.98

Portion
remains
unsolved
9.6.98

C.
R

Portion
MG 10/6/98

No 1111

Office of the Deputy Commissioner
Hassan District

Dated, Hassan 5th March, 1897

From

B. G. Krishnaiyar Esq.
Deputy Commissioner
Hassan District

To

The Secretary to the Government
of Mysore
General & Revenue Department

Sir,

With reference to official Memorandum No 1315 dated 21/22 April 1893 calling for submission of entire records connected with the case of Subraya Son of Linganaiya of Anadi village in the Hiremagaluru Taluk regarding the Shanbogi of Valagerahalli firka, I have the honor to state as follows:—

2. One Gopparasa, the grand-father of the respondent Krishnappa was the Shanbogue of both Anadi & Valagerahalli firkas. On his death, his son Subbaiah performed the Shanbogi duties till the year 1858 when he resigned the office in favor of his distant cousin

one

one Linga Reddi, as Subbiah suffered from asthma

3. Linga Reddi was found fault with on 3 points (1) owing to lessness of Government money, (2) His heavy indebtedness which often dragged him into civil courts to the detriment of Government work, (3) His inability to do the work himself. So in 1870 he was given the option of resigning his office in favor of his minor son Subraya, the appellant. At this time, the respondent Krishnappa, the grandson of Malik Mukhdar Goparadah put in a claim for the office, but the transfer of the office in favour of Subraya was sanctioned leaving Krishnappa who was yet a minor to file regular suit if so advised.

4. The Shanbogi being divided into 2 fikas, Subraya, the appellant was called upon to nominate another for one of the fikas. As Subraya has no children, he requested that his sister's husband might be appointed gumasta for one of the fikas. The respondent Krishnappa who is the grandson of Malik Mukhdar Goparadah again

again put forward his claim. He is admitted to be the son of a brother of Subbiah who resigned the office in favor of Linga Reddi, the father of the appellant Subraya.

5. Since the latter has no issue the next best Huckdar whose claims deserve considera-tion in this connection under Kalji rules is the respondent Krishnappa. Subbiah's resignation in favor of Linga Reddi, the appellant's father cannot deprive his brother, of his right much less the brother's then minor son Subraya. Accordingly, an order was passed that in consideration of the appellant and his father having discharged the Shanbogi duties since 1858, the appellant who is the present officiator, should continue to have the bigger of the two Sikas namely, Anati for himself and that Krishnappa, the res-pondent be appointed for Kalyarahalli Sika. It is against this order that Subraya has appealed.

6. Vernacular records ending with the Nuncupatory Amildar's No. 1453 dated 28th April 1898 are herewith submitted, as also the enclosures, received with the appeal petition.

J

I have the honor to be,

Sir,

Your most obedient Servant,

Deputy Commissioner

Hassan District

GOVERNMENT OF MYSORE

(6)

Proceedings of the Govt of Mysore-

Mysore / Sidaya — Asst / Ramaswami

Read:-

Petition of Appeal, No. 2363 / A.S.78 of 1897-98, presented by Sidaya of Anati, Channapatna Taluk, against the order of the Deputy Comm^r, Hassan District, appointing the Respt, Siddappa, to the Shanbhogi of Valagerahalli fasli in the Channapatna Taluk.

2. Letter, No 1111, 5th May 1898, from the Dy: Comm^r, Hassan District, reporting on the above

3. The records of the case

The facts of the case are as follows:-

The Respondent's grandfather Gopparaaja was the original Shanbhog of the villages now included in Anati and Valagerahalli fasli. He was succeeded by his son Subbaya who, owing to physical infirmities resigned the office in favor

Draft for approval
Sd/- 5th Committee
13/9/98

12.9.98

Issue in manuscript
Then print+
14/9/98

Press copy sent. 20-9-98

+Press copy printed 17-9-98

of his distant cousin Linganniya
in 1858. As Linganniya
was unable to carry on the
duties himself, the Patta was,
in 1879, registered in the name
of his minor son Subbaya
(the appellant) The villages
... using the Shanbhogi
having been split up into
2 portions (Anati and Kala-
gerehalli) at the Sattigi
Settlement, the appellant was
called upon to nominate another
Officiator for one of the 2 portions.
The appellant's mother requested that his wife's brother,
Venkatarangaya, might be
appointed as his nominee
for one of the portions. About
the same time the Respondent
Krishnappa who is the grandson
of Gopparasaya having prayed
for registering in his name of the
Shanbhogi for one of the 2 circles,
the Deputy Commissioner held that, as
the appellant had no issue,

the next hearing, whose claim deserved consideration under the Estate rules, as the Respt and that Lukhingá resigned this office in favour of the Appellant's father Lusyappuya did not deprive the right of his sons, the Respondents father, and much less of the latter's minor son, the Respt. We accordingly directed that in consideration of the appellant and his father having discharged the Thandalaya duties since 1858, the Respt should continue to the the Shanbhog of the Enges of the 2 parties viz, Amate, and that the Respt should be appointed to the Shanbhogi of the Talageriballi parties Subraya has appealed to Govt against the order

In 2388-95-96 / 1320-98 dt 19.3.98 Under Secy

Encl one Ver: file -

The Respondent is admittedly

hereditary and there is

surplus forthis for directs
the appellant is unable to
provide an Officiator out of
his own family. The Dy. Commrs
order dated in conformity with
Rule VIII of the Rules framed
assumed and
~~and is unjustifiable~~.

2. This appeal is dismissed

Reddy

Secretary

To
The Deputy Commr
Kasaragod
+ records.
~~Copy~~ Memo of this to
Counsel
Bhat
13/9

9830

+ 25-8-98

20-9-98 (8) 98

Appell:	Respondent
Subray	Krishnappa.

READ—

Petition of Appeal No. 2505—J. S. 78 of 1897-98, presented by Subraya of Anati, Channarayapatna taluk, against the order of the Deputy Commissioner, Hassan District, appointing the respondent Krishnappa, to the shanbhog of Valagerehalli firka in the Channarayapatna taluk.

2. Letter No. 1111, dated 5th May 1898, from the Deputy Commissioner, Hassan District, reporting on the above.

3. The records of the case.

The facts of the case are as follows:—

The respondent's grandfather Goparasaiya was the original shanbhog of the villages now included in Anati and Valagerehalli firkas. He was succeeded by his son Subbaiya, who, owing to physical infirmities, resigned the office in favor of his distant cousin Lingappaiya in 1858. As Lingappaiya was unable to carry on the duties himself, the office was, in 1890, registered in the name of his minor son Subraya (the appellant). The villages comprising the shanbhogi having been split up into two firkas (Anati and Valagerehalli) at the Potgi Settlement, the appellant was called upon to nominate another officiator for one of the two firkas. The appellant, who has no issue requested that his wife's brother, Venkataramaiya, might be appointed as his gumasta for one of the firkas. About the same time, the respondent Krishnappa, who is the grandson of Goparasaiya having prayed for registry in his name of the shanbhogi of one of the two scales, the Deputy Commissioner held that, as the appellant had no issue, the next hakdar, whose claims deserved consideration under the Potgi Rules, was the respondent and that Subbaiya's resignation of the office in favor of the appellant's father Lingappaiya did not deprive the right of his brother, the respondent's father, and much less of the latter's minor son, the respondent. He accordingly directed, in consideration of the appellant and his father having discharged the shanbhogi duties since 1858, that the appellant should continue to be the shanbhog of the larger of the two firkas, viz., Anati, and that the respondent should be appointed to the shanbhogi of the Valagerehalli firka. Subraya has appealed to Government against this order.

No. 2388-95—P. F. 26 of 98, dated Bangalore, 19th September 1898.

Order thereon.—The respondent is admittedly a hakdar and there is a surplus firka for which the appellant is unable to provide an officiator out of his own family. The Deputy Commissioner's order being in conformity with Rule XXIX of the Potgi Rules the same is hereby affirmed and this appeal dismissed.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Hassan District, with records.
The Deputy Commissioners of other Districts.

1898-99

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 1 *th S* *tember* 1898.

No. 258-95
P. F. 26-98

Dismissing the appeal of Subraya of Anati, Channarayapatna taluk, against the Deputy Commissioner's order conferring the Shanbhog's office of Valagérehalli firka of the said taluk on one Krishnappa.

M.G.C.P. B.—3-10-98-200.

(5)

Bdvd 4/9/98 20-9-98.
2363. 2

By Order

Secretary

16/9/98.